Single Bench

IN THE HIGH COURT OF CHHATTISGARH AT BILASPUR

Writ Petition NO. 4936 /2004

PETITIONER : Shani Ram Gond, S/o. Umend Ram Gond, Aged about 20 years R/o. Vill Bundela, P.O. Bodesara P.S. Chakarbhata, Tahsil Bilha District Bilaspur (C.G.)

VERSUS

RESPONDENTS :1. State of Chhattisgarh Through Secretary Education Department D.K.S. Bhawan, Raipur (C.G.)

2. The Secretary Board of Secondary Education Raipur (C.G.)

3. The Secretary Board of Secondary Education Bhopal (M.P.)

4. The Principal Govt. Higher Secondary School Bartori, Tahsil Bilha, District Bilaspur (C.G.)

5. The Principal Govt. Surajmal Agrawal Higher Secondary School Bilha, Tahsil and Distt. Bilaspur (C.G.)

P.R. No. 4936/04 Presented by Surajmal Agrawal dated 20/10/04

RECEIVED COPY 20/10/04 Clerk to A.G. Bilaspur

WRIT PETITION U/A 226/227 OF THE CONSTITUTION OF INDIA FOR ISSUANCE OF WRIT OF MANDAMUS OR ANY OTHER FORM OR DIRECTION OR ORDER AS TO THE FACTS AND CIRCUMSTANCES OF THE CASE.

(44)

HIGH COURT OF CHHATTISGARH AT BILASPUR

SINGLE BENCH : HON'BLE MR. SATISH K. AGNIHOTRI, J.

WRIT PETITION NO.4036 OF 2004

Petitioner : Shani Ram Gond

versus

Respondents : State of Chhattisgarh and others

Present : Ms. Sharmila Singhai, counsel for the petitioner.
Mr. Sanjay S. Agrawal, Government Advocate for the State/respondents No.1, 4 and 5.
Mr. R.S.Patel, counsel for respondents No.2 and 3.

ORDER

(Passed on 13th Day of February, 2007)

Learned counsel appearing for the petitioner submits that the prayer made at para 7(B) of the petition has been complied with and the petitioner has been supplied mark-sheet of Class Xth Board Examination held in the year 2000. The said mark-sheet was supplied on 26-12-2004 (R-2). In that process, the petitioner has suffered irreparable loss, as he could not appear in the final examination of Class XIIth held in 2001.

2. Learned counsel appearing for the petitioner submits that the years, lost on account of delay caused by the respondents in supplying mark-sheet, cannot be recovered, but the same can be compensated for no fault of the petitioner. Learned counsel submits

(45)

that a sum of Rs.1 Lakh by way of compensation be awarded to the petitioner.

3. Learned counsel appearing for respondents No.2 and 3 has offered no explanation for the delay. It is true that the delay caused by respondents No.2 and 3 has caused undue hardship to the petitioner and in the competitive world, the petitioner has been left behind by four years. The same cannot be compensated by any amount. The petitioner for no fault on his part has suffered intolerable distress and mental shocks. However, in the facts and circumstances of the case, respondents No.2 and 3 are directed to pay a sum of Rs.35,000/- (Rupees Thirty Five Thousand) to the petitioner for waste of four years, within a period of four weeks.

4. Thus, the writ petition stands disposed of.

Sd/-
Satish K. Agnihotri
Judge

Gopal